

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR MARION COUNTY)

Case No. 49S00-1308-MS-545

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Marion Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Marion Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR49-TR79-223, 224, and 225 comply with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Marion County Local Rule, LR49-TR79-223, 224, and 225, set forth as an attachment to this Order, is approved effective August 12, 2013, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

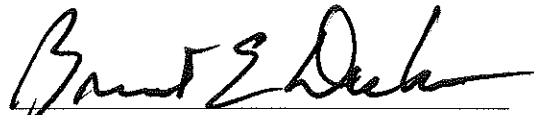
The Clerk of this Court is directed to forward a copy of this Order to the Hon. Louis F. Rosenberg, Marion Circuit Court, 200 East Washington Street, W506, Indianapolis, IN 46204-3339; to the Hon. Robert R. Altice, Jr., Marion Superior Court, 200 East Washington Street, W507, Indianapolis, IN 46204-3322; to the Hon. Cynthia J. Ayers, Marion Superior Court, 200 East Washington Street, W442, Indianapolis, IN 46204-3338; to the Hon. Lisa F. Borges, Marion Superior Court, 200 East Washington Street, W203, Indianapolis, IN 46204-3336; to the Hon. Kimberly J. Brown, Marion Superior Court, 200 East Washington Street, E607, Indianapolis, IN 46204-3341; to the Hon. Linda E. Brown, Marion Superior Court, 200 East Washington Street, E608, Indianapolis, IN 46204; to the Hon. Sheila A. Carlisle, Marion Superior Court, 200 East Washington Street, W242, Indianapolis, IN 46204; to the Hon. Thomas J. Carroll, Marion Superior Court, 200 East Washington Street, W542, Indianapolis, IN 46204-3341; to the Hon. David Certo, Marion Superior Court, 902 Virginia Avenue, Indianapolis, IN 46203; to the Hon. John M. T. Chavis, Marion Superior Court, 200 East Washington Street, E450, Indianapolis, IN 46204; to the

Hon. Annie Christ-Garcia, Marion Superior Court, 200 East Washington Street, T541, Indianapolis, IN 46204; to the Hon. Barbara Cook Crawford, Marion Superior Court, 200 East Washington Street, E648, Indianapolis, IN 46204; to the Hon. David J. Dreyer, Marion Superior Court, 200 East Washington Street, T1441, Indianapolis, IN 46204; to the Hon. Steven Eichholtz, Marion Superior Court, 200 East Washington Street, E439, Indianapolis, IN 46204; to the Hon. Kurt Eisgruber, Marion Superior Court, 200 East Washington Street, W202, Indianapolis, IN 46204; to the Hon. Clayton Graham, Marion Superior Court, 200 East Washington Street, T401, Indianapolis, IN 46204; to the Hon. John F. Hanley, Marion Superior Court, 200 East Washington Street, T1421, Indianapolis, IN 46204; to the Hon. Grant W. Hawkins, Marion Superior Court, 200 East Washington Street, W305, Indianapolis, IN 46204; to the Hon. Amy Jones, Marion Superior Court, 200 East Washington Street, E643, Indianapolis, IN 46204; to the Hon. James Joven, Marion Superior Court, 8105 East Washington Street, Indianapolis, IN 46219; to the Hon. Michael D. Keele, Marion Superior Court, 200 East Washington Street, W541, Indianapolis, IN 46204; to the Hon. Hellen Marchal, Marion Superior Court, 200 East Washington Street, G024, Indianapolis, IN 46204; to the Hon. Patrick L. McCarty, Marion Superior Court, 200 East Washington Street, W406, Indianapolis, IN 46204-3338; to the Hon. Marilyn Ann Moores, Marion Superior Court, 2451 North Keystone Avenue, Indianapolis, IN 46218-3604; to the Hon. William J. Nelson, Marion Superior Court, 200 East Washington Street, W342, Indianapolis, IN 46204; to the Hon. Timothy W. Oakes, Marion Superior Court, 200 East Washington Street, T1442, Indianapolis, IN 46204; to the Hon. James B. Osborn, Marion Superior Court, 200 East Washington Street, T500, Indianapolis, IN 46204; to the Hon. Becky Pierson-Treacy, Marion Superior Court, 200 East Washington Street, T442, Indianapolis, IN 46204; to the Hon. Clark Rogers, Marion Superior Court, 200 East Washington Street, W343, Indianapolis, IN 46204; to the Hon. Marc T. Rothenberg, Marion Superior Court, 200 East Washington Street, W241, Indianapolis, IN 46204; to the Hon. Jose Salinas, Marion Superior Court, 200 East Washington Street, T441, Indianapolis, IN 46204; to the Hon. David A. Shaheed, Marion Superior Court, 200 East Washington Street, W407, Indianapolis, IN 46204; to the Hon. Theodore M. Sosin, Marion Superior Court, 200 East Washington Street, W443, Indianapolis, IN 46204; to the Hon. Mark D. Stoner, Marion Superior Court, 200 East Washington Street, W306, Indianapolis, IN 46204; to the Hon. Heather Welch, Marion Superior Court, 200 East Washington Street, T1760, Indianapolis, IN 46204; to the Hon. Gerald S. Zore, Marion Superior Court, 200 East Washington Street, T1721, Indianapolis, IN 46204-3325; to the Clerk of the Marion Circuit and Superior Courts; and to the Division of State Court Administration.

The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Marion Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on August 19, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR49-TR79-223. INITIAL REQUEST FOR CHANGE OF JUDGE

Upon a timely filed motion for a change of judge under Indiana Trial Rule 79, the court shall grant the motion. Within seven (7) days of the notation of the motion in the Chronological Case Summary, the parties may agree upon an eligible special judge.

LR49-TR79-224. APPOINTMENT BY CLERK

Upon the parties not reaching an agreement or the agreed upon judge not accepting the case under Local Rule 225, the appointment of an eligible special judge shall be made by means of the Marion County Clerk selecting a name of the next judge from lists of judges from Marion County maintained by the Clerk. A separate list shall be kept for domestic and juvenile cases.

All judges of the Marion Circuit and Superior Court Civil Division are eligible persons under this rule except as follows: the judge of the Marion Circuit Court shall not be named on the list for domestic relation cases; the judges of the Juvenile Division and the Environmental Division shall not be named on any list; and the judge of the Probate Division shall be named only on the lists for domestic relations and juvenile cases.

Should the next judge on the list be disqualified pursuant to the *Code of Judicial Conduct*, ineligible for service under this rule, or excused from service by the Indiana Supreme Court, the clerk shall continue down the list until all judges on the list have been exhausted. Upon exhaustion of the list, the judge from whom the change of judge was taken, or who is ineligible or disqualified, shall certify the case to the Indiana Supreme Court for the appointment of a special judge by the Court. Further, the judge may certify a case directly to the Indiana Supreme Court where the particular circumstances of the case warrant selection by the Court without reference to the clerk for selection from a list.

LR49-TR79-225. ACCEPTANCE

A judge appointed to serve as special judge under this Local Rule must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the *Code of Judicial Conduct*, ineligible for service under this rule, or must be excused from service by the Indiana Supreme Court. The order of appointment under this Local Rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.

STATE OF INDIANA)	MARION CIRCUIT AND
)	SUPERIOR COURTS
COUNTY OF MARION)	
)	
In Re Local Court Rules)	

**Notice of Proposed Local Rule Amendments, Finding Good Cause to Deviate
from the Schedule for Amending Local Court Rules,
Requesting Comments and Supreme Court Approval**

July 2, 2013

The Judges of the Marion County Courts in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to their local court rules concerning change of judge in civil cases at **LR49-TR79-223, 224 and 225**. Pursuant to Trial Rule 81(D), the Judges find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of amendments to local rules. Accordingly, the Courts issue the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. Supreme Court approval is required for the amended rules, and if approved, the amended rules will be effective on **August 12, 2013**.

Comments to these proposed Local Rule amendments will be received through **Noon on August 5, 2013**. Comments to these proposed amended Local Rules should be e-mailed to the Office of the Court Administrator, c/o Andrea Newsom, at Andrea.Newsom@indy.gov or mailed to:

Andrea Newsom
Office of the Court Administrator
Marion County Circuit and Superior Courts
200 East Washington St., Ste. T-1221
Indianapolis, IN 46204

/s/ David J. Certo*
Judge David J. Certo
Presiding Judge

* Original signature on file with the Court.